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FAX COVER SHEET

Date:	April 6, 2005	Phone Number	Fax Number
To:	(703) 872-9306		
From:	Kevin J. Zilka		

Docket No.: BVOCOP001

App. No: 09/769,880

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

**Message:**

Please deliver to Examiner McFadden.

Thank you,

Kevin J. Zilka

Original to follow Via Regular Mail  Original will Not be Sent  Original will follow Via Overnight Courier

\*\*\*\*\*  
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April 6, 2005

Practitioner's Docket No. BVOCP001

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bertrand A. Damiba

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Application No.: 09/769,880

Group No.: 2655

Filed: January 24, 2001

Examiner: McFadden, S.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A DISTRIBUTED  
SPEECH RECOGNITION TUNING PLATFORM

APR 06 2005

**Mail Stop AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed January 6, 2005, finally rejecting claims 1-6, 11 and 16-26.

**1. STATUS OF APPLICANT**

This application is on behalf of a small entity. A statement was already filed on January 24, 2001.

**CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10\***  
 (When using Express Mail, the Express Mail label number is **mandatory**;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

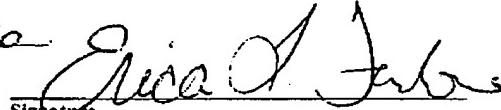
deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.10\*

37 C.F.R. § 1.8(a)  
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 as "Express Mail Post Office to Addressee" Mailing Label No. \_\_\_\_\_ (mandatory)**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

  
 Signature

Date: 4/6/2005

Erica L. Farlow  
 (type or print name of person certifying)

\* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Small entity \$250.00

Notice of Appeal fee due \$250.00

**3. EXTENSION OF TERM**

Applicants believe no Extension of Term is necessary. However, if an extension of time is required, please consider this a petition therefor. Please charge the necessary fees to deposit account 50-1351 (Order No. BVOCP001).

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$250.00

**TOTAL FEE DUE \$250.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$250.00 to Deposit Account No. 50-1351 (Order No. BVOCP001).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. BVOCP001).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Practitioner's Docket No. BVOCOP001

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In re application of: Bertrand A. Damiba

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Signature

*Erica L. Farlow*Date: 4/6/2005Erica L. Farlow  
(type or print name of person certifying)

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Signature of Practitioner  
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